

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	Civil Action No. CV-89-39-BU-SEH
)	
ATLANTIC RICHFIELD COMPANY and)	
The CITY and COUNTY of BUTTE-)	
SILVER BOW, a Municipal Corporation)	
and Political Subdivision of the State of)	
Montana,)	
)	
Defendants.)	
_____)	

NOTICE OF LODGING CONSENT DECREE

Plaintiffs, the United States of America and State of Montana, hereby lodge with the Court a proposed Consent Decree (attached as Exhibit 1) that, if entered by the Court, would resolve the Plaintiffs' claims under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9607(a), against the Atlantic Richfield Company and the City and County of Butte Silver Bow ("BSB") related to the Butte Priority Soils Operable Unit of the Silver Bow Creek/Butte Area National Priority List Site.

The Consent Decree requires Atlantic Richfield to remove or cap contaminated mine tailings and other mining-related waste in numerous locations in and near Butte, Montana, capture and treat certain contaminated groundwater, and construct stormwater retention basins to protect surface waters from contaminated runoff. In addition, Atlantic Richfield will pay EPA \$3.5 million for past costs, \$11.2 million in future oversight costs, and \$20.5 million to the State

of Montana to undertake certain remedial and restoration actions. BSB will implement stormwater control and operation and maintenance activities with funding from Atlantic Richfield. The Consent Decree also requires certain federal agencies to pay \$10 million of EPA's past costs to resolve Atlantic Richfield's counterclaims.

No action by the Court is required at this time. Pursuant to Department of Justice regulations codified at 28 C.F.R. § 50.7 and Paragraph 121 of the Consent Decree, the United States is required to publish a notice in the *Federal Register* that the proposed Consent Decree has been lodged with the Court. The notice will solicit public comment for a period of thirty (30) days. The State of Montana will independently solicit public comment pursuant to state law. After the close of the comment period, the United States and the State of Montana will evaluate any comments received and will request the Court to take appropriate action regarding the Consent Decree.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

JONATHAN BRIGHTBILL
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division

/s/ James D. Freeman

JAMES D. FREEMAN

Senior Attorney
United States Department of Justice
Environmental Enforcement Section
South Terrace Suite 370
999 18th Street
Denver, CO 80303
(303) 844-1489
james.freeman@usdoj.gov

KURT G. ALME
United States Attorney
District of Montana

VICTORIA FRANCIS
Assistant United States Attorney
District of Montana
316 N 26th St #5018
Billings, MT 59101

FOR THE STATE OF MONTANA

/s/ Jonathan Morgan
JONATHAN MORGAN
Special Assistant Attorney General
DEQ Legal Counsel
Montana Department of Environmental Quality
1100 North Last Chance Gulch
P.O. Box 200901
Helena, Montana 59620-0901

/s/ Katherine M. Housrath
KATHERINE M. HAUSRATH
Assistant Attorney General
Montana Natural Resource Damage Program
Montana Department of Justice
P.O. Box 201425
1720 Ninth Avenue
Helena, Montana 59620-1425

CERTIFICATE OF SERVICE

I hereby certify that *Notice of Lodging of Consent Decree* with attachments were electronically served on counsel of record via CM/ECF on June 8, 2020.

In addition, the following counsel were served by electronic mail:

William Duffy, Esq. via William.Duffy@dgsllaw.com

Mave Gasaway, Esq. via Mave.Gasaway@dgsllaw.com

Mollie Maffei, Esq. via mmaffei@bsb.mt.gov

/s/James D. Freeman

JAMES D. FREEMAN

Senior Attorney

United States Department of Justice

Environmental Enforcement Section

South Terrace Suite 370

999 18th Street

Denver, CO 80303

(303) 844-1489

james.freeman@usdoj.gov